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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/517,924 | 12/14/2004 | Petrus Johannes Lenoir | NL 020544 | 8875 |
| 24737 7590 11/09/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510 | | | EXAMINER COLIN, CARL G | |
| | | | ART UNIT 2136 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,924

Applicant(s)

LENOIR ET AL.

Examiner

Carl Colin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Pursuant to USC 131, claims 1-8 are presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.1 Claims 1-8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 10/517/926. Although the conflicting claims are not identical, they are not patentably distinct from each other because for instance the limitations of independent claim 1 of the present application are found in the copending application. The difference between claim 1 of the present application and claim 1 of the copending application is that the group certificate is distributed to the first device whereas in the copending application the first device presents the group certificate to the second device. However, since claim 1 of the present application recites a method of controlling authentication of a first device to a second device, one of ordinary skill in the art would understand that the group certificate would be sent at some point in time from the first device to the second device because it is implicit that the certificate is distributed for authentication as the claim recites controlling authentication of the first device to the second device. Therefore, the difference between the conflicting claims is not patentably distinct from each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Specification

4. The disclosure is objected to because it contains embedded hyperlinks and/or other form of browser-executable codes (see page 7, lines 15-18). Applicant is required to delete the embedded hyperlinks and/or other form of browser-executable codes. See MPEP § 608.01.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) 304 mentioned in the description on page 12 line 30. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international

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application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,397,329 to **Aiello et al.**

As per claim 1, **Aiello et al** substantially discloses a method of controlling authentication of a first device to a second device, **Aiello et al** discloses each leaf being associated with a unique number (see column 9, lines 6-18) that meets the recitation of the devices being assigned respective device identifiers, the method comprising receiving a portion of the tree (data revocation structure) (see column 22, lines 17-19 and 25-30 and column 8, lines 34-40) identifying sets of non-revoked certificates including the certificate to which the digital identity belongs (see column 6, lines 1-20 and figs. 5, 6A, and 6B) that meets the recitation of *distributing to the first device a group certificate identifying a range of non-revoked device identifiers, said range encompassing the device identifier of the first device.*

As per claim 2, **Aiello et al** discloses the method of claim 1, in which the respective device identifiers correspond to leaf nodes in a hierarchically ordered tree (see column 8, lines 52-60 and figs. 5, 6A, and 6B), the method further comprising *identifying in the group certificate a node in the hierarchically ordered tree, said node representing a subtree in which the leaf nodes correspond to the range of non-revoked device identifiers* (see for instance, fig. 10A, node #10; col. 15, lines 38-40), the revoked node is marked with an X (see column 13, lines 52-53).

As per claim 3, **Aiello et al** discloses the claimed method of claim 2 further comprising identifying for instance node #100 representing a further subtree in which the leaf nodes are excluded from the sets of non-revoked device identifiers (see figure 10B, node #100, #1000) that meets the recitation of *further comprising identifying in the group certificate a further node in the subtree, said further node representing a further subtree in which the leaf nodes correspond to device identifiers excluded from the range of non-revoked device identifiers.*

As per claim 4, **Aiello et al** discloses the claimed method of claim 1 *in which the respective device identifiers are selected from a sequentially ordered range, the method further comprising identifying in the group certificate a subrange of the sequentially ordered range, said subrange encompassing the range of non-revoked device identifiers* (see figure 10A, node #10).

As per claim 5, **Aiello et al** discloses the claimed method of claim 1, *further comprising identifying plural respective ranges of non-revoked device identifiers in a single group certificate* (i.e. {2,3}, {5,6}, {7,8,9}; see column 14, lines 9-10 and fig. 9).

As per claim 6, **Aiello et al** discloses the claimed method of claim 5, *in which the plural respective ranges in the single group certificate are sequentially ordered, the method further comprising identifying the plural respective ranges in the single group certificate through an indication of the lowest and highest respective ranges in the sequential ordering* (i.e. (lowest (level 2): {2,3}, {5,6}, and level 3 (highest): {7,8,9}; see column 14, lines 9-10 and fig. 9).

As per claim 7, **Aiello et al** discloses the claimed method of claim 1 *in which the group certificate comprises an indication of a validity period* (see column 10, lines 22-25 and column 16, lines 45-52).

As per claim 8, **Aiello et al** discloses the claimed method of claim 1 *in which the group certificate comprises a version indication* (see column 14, lines 22-31 and column 16, lines 45-51).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the prior art discloses many of the claimed features (See PTO-form 892).

7.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Colin/

Patent Examiner, A.U. 2136

October 31, 2007